



DISTRICT OF COLUMBIA BAR

District of Columbia Affairs Community

**Statement of the District of Columbia Affairs Community of the
District of Columbia Bar on the Federal Financial Services and
General Government Fiscal Year 2024 Appropriations Bill**

The District of Columbia Affairs Community of the District of Columbia Bar (the “Community”) urges both the Senate and House to remove all language from the Financial Services and General Government Fiscal Year 2024 Appropriations Bill which has the effect of usurping local control and imposing the will of the Congress on the local 700,000 residents of the District of Columbia (“the District”).¹ Legislatively enumerated policy directives and contingent appropriations, known as budget “riders,” go against the intent of the Home Rule Act and are the very definition of taxation without representation.

The Community serves all attorneys who live, work, or have interest in the District of Columbia, and Bar members who practice before or work with the D.C. Council and the Executive Branch or the court system. The Community monitors legislative, judicial, and related legal developments affecting the District. Other key missions are to provide a forum for the membership to network with key government officials and business and community

¹ The views expressed herein are presented on behalf of the D.C. Affairs Community, a voluntary association of individuals, most but not necessarily all of whom are members of the D.C. Bar. The D.C. Bar itself made no monetary contribution to fund the preparation or submission of this statement. Moreover, the views expressed herein have been neither approved nor endorsed by the D.C. Bar, its Board of Governors, or its general membership.

leaders and to offer relevant professional development. DC statehood and autonomy issues fall within the Community's special expertise and jurisdiction over Home Rule issues, and the Community (and its predecessor the District of Columbia Affairs Section) has long supported budget autonomy.²

The 117th Congress has seen a marked increase in Congressional interference in the District's self-governance; more than in the recent past and the Community urges Congress to cease this unprecedented interference. The residents of the District should have the right to govern themselves. When Congress imposes legislative riders on the District's appropriations, it overturns the work of our locally elected officials and ignores the voices of the District's residents.

The majority of the District's budget comes from locally raised tax dollars which fund vital city services. Only about a quarter of the District's budget comes from federal funds for entitlement programs (e.g., Medicaid, TANF, school lunches) that all states receive from the federal government. The District is not an agency or department of the federal government, yet it is treated like a federal agency by its inclusion in the lengthy, cumbersome, and uncertain federal appropriations process. Other states and cities are allowed to spend their tax dollars as they see fit without any Congressional interference.

² See, e.g., Section's comments in support of H.R. 2472/S.1267, the "D.C. Budget Autonomy Act of 2003" (letter to the Honorable Dennis Hastert, Speaker of the House, February 2004, <https://www.dcbar.org/getmedia/cc57d0c8-4555-4b72-9e19-74ce7a0a1179/2003-Support-of-Budget-Autonomy-Act-of-2003>).

The U.S. Constitution permits Congress to exercise control over the District's finances but does not require it. The Constitution's District of Columbia Clause, Article I, Section 8, states that "The Congress shall have Power ... to exercise exclusive Legislation in all Cases whatsoever, over such District," thus reserving power over all District activity to the Congress, but not requiring Congress to exercise such power. Direct Congressional control over District spending only began in the late 19th century.

Although the 1974 Home Rule Act continued Congressional appropriation controls imposed less than 100 years before, it also began the financial separation of the District's funds from the Federal Treasury. For the first three-quarters of the 20th century, Congress not only appropriated the District funds, but the U.S. Treasury acted as the District's banker. Beginning in 1978, the District placed its deposits in private banks. The Home Rule Act removed local District funds from the U.S. Treasury by establishing a "General Fund of the District of Columbia" separate from the U.S. Treasury. It provided that "All money received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund." Unlike Federal agencies, the District's funds are now held outside the U.S. Treasury in private banks, and, therefore, do not constitutionally require Congressional appropriation to be expended by District officials.

The District's residents have no representation in Congress to vote against this ongoing, relentless attack on local democracy. Until such time that the residents of the District

achieve full equality through Statehood, we expect Congress to allow District residents to manage their own affairs without interference or meddling.

We urge the Committees to pass the Financial Services and General Government Fiscal Year 2024 Appropriations Bill without any interference in the local laws or programs of the District and allow the residents of the District to govern themselves.

This statement was approved by the D.C. Affairs Community's Steering Committee by a unanimous vote of its elected members. For further information please contact: Community Steering Committee Chair and public statements representative Austin A.B. Ownbey, Esq. at aownbey@foleyhoag.com.